

REMARKS

Claims 19-33 and 42-52 are pending in this patent application. By this amendment, claims 19, 42, 43, 45, 46, 47, 48, and 50 have been amended, and new claims 53-65 have been added. Reconsideration of this patent application, as amended, is respectfully requested.

Drawings Objection

In accord with the Examiner's comments and the Notice of Draftsperson's Patent Drawing Review, the reference numbers and associated lead lines of Figs. 1-19 have been thickened and the drawings otherwise cleaned up so as to make them more plain, legible, and well defined. A replacement set of drawings is attached hereto.

35 U.S.C. § 102 Rejection

Claims 19-33 and 42-52 were rejected under 35 U.S.C. § 102 as being anticipated by Walulik (U.S. Patent No. 5,997,537). Claims 19, 42, 43, 45, 46, 47, 48, and 50 have been amended to more clearly define the invention. Reconsideration of these claims, as amended, is respectfully requested.

Discussion Regarding Patentability of Amended Claim 19

Amended Claim 19 recites reads as follows:

wherein said posterior portion includes (i) a first side frame segment, (ii) a second side frame segment spaced apart from said first side frame segment to define a first gap therebetween, and (iii) a first connector portion extending from said first side frame segment to said second side frame segment,

wherein said anterior portion includes (i) a first leg, (ii) a second leg spaced apart from said first leg to define a second gap therebetween, and (iii) a second connector portion extending from said first leg to said second leg,

said first side frame segment of said posterior portion is connected to said first leg of said anterior portion,

said second side frame segment of said posterior portion is connected to said second leg of said anterior portion, and

said fixation wire extends (i) over said first gap, and (ii) through said second gap.

Walulik does not disclose these limitations. Even if the components encircled in the June 27, 2006 Office Action on page 6 and labeled “posterior portion” could be generally equated with the claimed “posterior portion” of Applicants’ amended claim 19, Walulik’s apparatus would not include (i) a posterior portion that includes first and second side frame segments that define a first gap, and (ii) an anterior portion that includes first and second legs that define a second gap, and (iii) a fixation wire that extends over the first gap and through the second gap. Indeed, the connector rod 150 shown in Walulik’s Fig. 1 (equated with the claimed “fixation wire”) does not extend through or over any such gaps.

It is axiomatic that anticipation of a claim under 35 U.S.C. § 102 is proper only if the prior art reference discloses each and every element of the claim. Since Walulik does not disclose each and every element of Applicants’ amended claim 19, Walulik does not anticipate Applicants’ amended claim 19.

Discussion Regarding Patentability of Amended Claims 20-33

Each of amended claims 20-33 depends directly or indirectly from amended claim 19. As a result, each of amended claims 20-33 is allowable for, at least, the reasons hereinbefore discussed with regard to amended claim 19.

Discussion Regarding Patentability of Amended Claims 42

The discussion regarding the patentability of amended claim 19 is relevant to the patentability of amended claim 42. Thus, amended claim 42 is allowable over the cited art.

Discussion Regarding Patentability of Amended Claims 43-52

Each of amended claims 43-52 depends directly or indirectly from amended claim 42. As a result, each of amended claims 43-52 is allowable for, at least, the reasons hereinbefore discussed with regard to amended claim 42.

Newly Added Claims 53-65

Newly added claims 53-65 recite novel and nonobvious limitations. Thus, each of claims 53-65 is allowable over the cited art.

New claim 53 depends directly from amended claim 19. As a result, new claim 53 is allowable for, at least, the reasons hereinbefore discussed with regard to amended claim 19.

New claim 54 depends directly from amended claim 42. As a result, new claim 54 is allowable for, at least, the reasons hereinbefore discussed with regard to amended claim 42.

New claim 55 recites, among other things, the following limitations:

wherein said posterior portion includes (i) a first side frame segment, (ii) a second side frame segment spaced apart from said first side frame segment to define a first gap therebetween, and (iii) a first connector portion extending from said first side frame segment to said second side frame segment,

wherein said anterior portion includes (i) a first leg, (ii) a second leg spaced apart from said first leg to define a second gap therebetween, and (iii) a second connector portion extending from said first leg to said second leg,

wherein said first side frame segment of said posterior portion is connected to said first leg of said anterior portion,

wherein said second side frame segment of said posterior portion is connected to said second leg of said anterior portion.

Walulik does not disclose these limitations. For instance, Walulik does not disclose a first side frame segment of a posterior portion of a frame connected to a first leg of an anterior portion of the frame, and a second side frame segment of the posterior portion of the frame connected to a second leg of the anterior portion of the frame. It is axiomatic that anticipation of a claim under 35 U.S.C. § 102 is proper only if the prior art reference discloses each and every element of the claim. Since Walulik does not disclose each and every element of Applicants' new claim 55, Walulik does not anticipate Applicants' new claim 55.

Each of new claims 56-65 depends directly or indirectly from new claim 55. As a result, each of new claims 56-65 is allowable for, at least, the reasons hereinbefore discussed with regard to new claim 55.

Restriction/Election Statement Regarding Pending Claims

All of the pending claims including claims 53-65 are readable on the elected species A that is associated with figures 1-11.

Conclusion

In view of the foregoing amendments and remarks, it is submitted that this application is in condition for allowance. Action to that end is hereby solicited.

Respectfully submitted,

MAGINOT, MOORE & BECK LLP

/Paul J. Maginot/

Paul J. Maginot
Attorney for Applicants
Registration No. 34,984

November 27, 2006

Maginot, Moore & Beck, LLP
Bank One Tower
111 Monument Circle, Suite 3250
Indianapolis, Indiana 46204-5109
Phone: (317) 638-2922
Fax: (317) 638-2139